

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: ASBESTOS PRODUCTS	:	CIVIL ACTION NO. MDL 875
LIABILITY LITIGATION (No. VI)	:	
	X	
<hr/> This Document Relates To:	:	MISC. ACTION No. 09-MC-103
	:	(Oil Rig Cases)
(See Exhibit A - attached case list)	:	
	X	
<hr/>		

**MEMORANDUM OPINION**

DAVID R. STRAWBRIDGE  
UNITED STATES MAGISTRATE JUDGE

June 26, 2009

**I. Introduction**

Presently before the Court is the “Renewed Combined Motion and Brief to Compel Dr. Jay T. Segarra’s Production of Documents and Response to Subpoena” (the “Renewed Motion”) filed by Defendant Union Carbide Corporation (“Union Carbide”) on June 4 and 5, 2009 (09-63215, Doc. 9),<sup>1</sup> in which Defendants ConocoPhillips Company and Oilfield Service and Supply Company have joined (collectively “Defendants”) (09-63215, Doc. 12), and the response thereto (09-63215, Docs. 18-19) from the plaintiffs in the cases on the attached list (collectively “Plaintiffs”). The Renewed Motion incorporates the “Motion for Reconsideration of the Remedy Provided for in the Court’s Order to Compel Dr. Segarra, Dr. Rao, and Dr. Bernstein” filed on March 12, 2009 (01-md-875, Doc. 5886) and “Certain Defendants Additional Briefing Regarding the Consulting Expert Privilege and the Exceptional Circumstances Presented by the Litigation Work” filed on March 20, 2009 (01-md-875, Doc. 5954), both filed by Forman Perry (counsel for Union Carbide), and following upon Judge Robreno’s Order of February 24, 2009 directing Dr. Jay Segarra “to produce all documents

---

<sup>1</sup> For the sake of simplicity, and when not citing to the MDL-875 docket, we cite only to *Aaron v. Phillips* 66, the first case listed in the attached list of cases.

and information relating to diagnosing reports or opinions for Plaintiffs with claims currently pending in MDL 875 within 20 days.” (01-md-875, Doc. 5815). The Renewed Motion addresses Judge Robreno’s Order only with respect to Dr. Segarra in these oil rig cases<sup>2</sup> where he has been identified as the diagnosing expert. Defendants seek the entry of an Order directing Dr. Segarra to produce the documents and information pertaining to his litigation screening practice without any limitation. For the reasons set out below, we **GRANT** in part and **DENY** in part Union Carbide’s motion subject to the limitations set out in this memorandum and our accompanying Order, filed on June 25, 2009 (09-mc-103, Doc. 2).

## II. Factual and Procedural Background

On December 19, 2005, Dr. Jay T. Segarra was served with a subpoena duces tecum (the “Subpoena”) issued by the Clerk of the Court for the Eastern District of Pennsylvania in connection with MDL-875. The Subpoena, which calls for the production of 27 categories of documents, was the subject of Judge Robreno’s February 24, 2009 Order and Memorandum Opinion. *In re: Asbestos Prods. Liab. Litig. (No. VI)*, 256 F.R.D. 151 (E.D. Pa. Feb. 24, 2009). By that Order, Dr. Segarra, and two other doctors not related to this motion, was ordered “to produce all documents and information relating to diagnosing reports or opinions for Plaintiffs with claims currently pending in MDL 875 within 20 days.” *Id.* at 158. On May 29, 2009, noting that the plaintiffs on whose behalf a *Daubert* challenge had been advanced were no longer parties to the litigation, the Court denied Defendants’ motion for reconsideration of that Order as moot. (Order Den. Def.’s Mot. for Recons., May 29, 2009, 01-md-875, Doc. 6275). Defendants were instructed to file plaintiff-specific motions to

---

<sup>2</sup> We refer to these “oil rig cases” as those cases brought by Franklin, Cardwell & Jones, now collectively docketed at 09-mc-103.

compel Dr. Segarra's compliance with the Subpoena if they chose to do so. Union Carbide then filed the Renewed Motion pertaining to these 200 (and more) cases where Dr. Segarra has been identified by Plaintiffs as the diagnosing physician. (09-63215, Doc. 9)

This motion has been referred to this United States Magistrate Judge pursuant to the Court's amended Order of Referral referring these cases to us "for final disposition of all pretrial matters not dispositive of a party's claim or defense pursuant to 28 U.S.C. 636(b)(1)(A) and Fed.R.Civ.P 72(a)." (*See* 09-63215, Doc. 6). As such, the motion was properly before us and we, in turn, ordered that any response to the motion be filed on or before June 17, 2009. (*See* 09-63215, Doc. 14). Plaintiffs filed a timely response on that date. (*See* 09-63215, Doc. 18). The motion is now ripe for our review.

### **III. Discussion**

We consider the parties' papers within the confines of MDL-875 Judge Robreno's February 24, 2009 Memorandum and Order which granted in part and denied in part certain Defendants' motions to compel production of documents and certain Plaintiffs' motion to quash. In that memorandum, Judge Robreno directed that Dr. Segarra produce all "documents *related to* diagnoses of asbestos related conditions relied upon by Plaintiffs in MDL 875." *In re: Asbestos Prods. Liab. Litig. (No. VI)*, 256 F.R.D. at 152 (emphasis added). Thus the question effectively before us at this time is the extent to which the documents in the possession or under the control of Dr. Segarra can be said to be "related to diagnoses of asbestos related conditions relied upon by Plaintiffs in MDL 875." We must determine whether this means that production is limited only to those documents and information specifically pertaining to individuals who are plaintiffs in the MDL litigation. Plaintiffs assert that it is. Defendants assert that it is not so limited.

We do not read Judge Robreno's Order in the limiting manner suggested by Plaintiffs. We note that, among the definitions set out in *The American Heritage Dictionary of the English Language*, Fourth Edition, for "relate" and "related," are "being connected; associated" and "to have connection, relation, or reference." *See also Bobb v. United States AG*, 458 F.3d 213, 219 (3d Cir. 2006) (quoting *Webster's Third New International Dictionary* (Unabridged) 1916 (1991)) ("The term 'relate' means 'to show or establish a logical or causal connection between.'"). This reading is consistent with the view taken by the Court in prior stages of this litigation in ordering production of all screening/litigation records of the challenged doctor. (*See, e.g.,* Weiner, J. Order of March 19, 1999, 01-md-875, Doc. 2576; Giles, J. Order of February 12, 2007, 01-md-875, Doc. 4621; Giles, J. Order of October 25, 2007, 01-md-875, Doc. 4924; Giles, J. Administrative Order 12, May 31, 2007, 01-md-875, Doc. 4691; Giles, J. Order of April 24, 2008, 01-md-875, Doc. 5158). In holding that all of Dr. Segarra's screening and litigation documents must be produced, we merely conclude that these documents are "related to" MDL-875 claims. *In re: Asbestos Prods. Liab. Litig. (No. VI)*, 256 F.R.D. at 152.

Additionally, Fed.R.Civ.P. 26(b) itself provides for broad-based discovery "regarding any non-privileged matter that is relevant to any party's claim or defense. . . . Relevant information need not be admissible at the trial if the discovery appears reasonably calculated to lead to the discovery of admissible evidence." *See also Lease v. Fishel*, 07-CV-0003, 2009 U.S. Dist. LEXIS 29305, \*13 (M.D. Pa. Apr. 3, 2009). The rule likewise broadly provides that "[f]or good cause, the court may order discovery of any matter relevant to the subject matter involved in the action." Fed.R.Civ.P. 26(b). We believe such good cause exists here.

Defendants have raised serious questions about Dr. Segarra's practices and methodology

which, if proven, could have an impact upon his qualification as an expert in these cases. (See “Certain Defendants Additional Briefing Regarding the Consulting Expert Privilege and the Exceptional Circumstances Presented by the Litigation Work,” 01-md-875, Doc. 5954). We agree that certain of these questions such as the number of patients screened and the rate of positive diagnoses found could well be factors to be considered in determining the methodology and screening practices which underlie the doctor’s diagnoses. (*See* Defs. Mot. for Recons., March 12, 2009, 01-md-875, Doc. 5886 at 3). While we draw no conclusions about the merit of the allegations appearing in Defendants’ papers, we are satisfied that they justify broader discovery.

Additionally, Defendants have brought our attention to the fact that that Dr. Segarra filed with the Court his own internal audit of diagnoses rendered between 2003 and 2005 (Segarra Resp. to Defs. Mot. to Exclude, September 16, 2006, 01-md-875, Doc. 4536). We accept Defendants’ assertion that the introduction of this internal audit also justifies a more extensive evaluation of his litigation screening process and methodology. (*See* Defs. Mot. for Recons., March 12, 2009, 01-md-875, Doc. 5886 at 16).

For these reasons, we conclude from the submissions of the parties that the files of all those persons who were screened for possible litigation by Dr. Segarra or his office, consistent with Judge Robreno’s February 24 Order, are “related to” MDL-875, even if the individuals involved are not parties to cases in the MDL. They are thus discoverable under Fed.R.Civ.P 26(b), and must be produced.

On the other hand, it is not the Court’s role to investigate alleged fraudulent practices of Dr. Segarra. Accordingly, we have denied this motion as it pertains to matters which go beyond a consideration of the manner and methodology utilized by Dr. Segarra in the litigation screening

process.

Plaintiffs, in answering Defendants' motion for reconsideration, have raised concerns regarding the consulting expert privilege. (Pls.' Resp. to Defs.' Mot. for Recons., Mar. 19, 2009, 01-md-975, Doc. 5953 at 3). Counsel representing many MDL-875 plaintiffs argued that they had retained several doctors, including Dr. Segarra, to render second opinions on medical diagnoses. Counsel would then use these opinions as a factor in determining whether or not they would pursue that individual's claim. Plaintiffs argued that Dr. Segarra's production of these plaintiff's medical records would result in a waiver of any consulting expert protections that they might have had over these documents.

The consulting expert privilege is derived from Fed. R. Civ. P. 26(b)(4)(B), which states that "a party may not [ordinarily], by interrogatories or deposition, discover facts known or opinions held by an expert who has been retained or specially employed by another party in anticipation of litigation . . . and who is not expected to be called as a witness at trial." When the consulting expert privilege is properly invoked, the expert's materials are discoverable only upon "showing exceptional circumstances under which it is impracticable for the [opposing] party to obtain facts or opinions on the same subject by other means." Fed. R. Civ. P. 26(b)(4)(B)(ii); *see also Roesberg v. Johns-Manville Corp.*, 85 F.R.D. 292, 299 (E.D. Pa. 1980). Counsel for Plaintiffs contend that this discovery privilege applies to Dr. Segarra in certain, identifiable Plaintiffs' cases. Defendants claim that exceptional circumstances are present here justifying discovery of otherwise privileged materials.

It remains unclear to us, however, whether extraordinary circumstances in fact exist in these cases. Specifically, we have limited information providing the context within which we could make

such a determination. Initially, we need to know the extent to which Dr. Segarra, or more specifically the patients and their lawyers, claim the privilege so we could start the process of making a more informed determination. Our Order reflects this position, and leaves open the question of the applicability of the privilege and/or the exceptions to it.

Having evaluated the arguments before us, the Court grants Union Carbide's motion to compel, within the following parameters. First, Dr. Segarra is compelled to produce his litigation screening documents. We conclude generally that they are "related to" the claims of Plaintiffs in MDL-875 who have named Dr. Segarra as a diagnosing physician.<sup>3</sup> Second, Dr. Segarra is required to provide the Court a list of lawyers that retained him as a consulting expert and the number of persons for whom he was consulted by each lawyer. Finally, we deny without prejudice the motion to compel the remaining documents called for in the Subpoena.

An appropriate Order was entered on June 25, 2009.

BY THE COURT:

\_\_\_\_\_  
/s/ David R. Strawbridge

DAVID R. STRAWBRIDGE  
UNITED STATES MAGISTRATE JUDGE

\_\_\_\_\_  
<sup>3</sup> As set out in our Order, we acknowledge that the temporal context of the Order would be determined only by the length of Dr. Segarra's litigation screening practice. As this period of time could extend to 15 years or more, we give counsel the opportunity to seek an amendment of our Order based upon the particulars involved.

**ATTACHED LIST OF CASES**

<b>Case Style Plaintiff</b>	<b>Eastern Dist of PA Docket#</b>
Robert E. Aaron	09-cv-63215
David Adcock	09-cv-63216
Winford L. Adcock	09-cv-63581
Donald Allen, Sr.	09-cv-63217
Wayne H. Allred	09-cv-63218
Melvin Anderson	09-cv-63583
Maxie Ray Anding	09-cv-63584
Robert E. Ard	09-cv-63219
Willie Glean Ard	09-cv-63220
Gene B. Atwood	09-cv-63221
Carlton Aultman	09-cv-63587
Mozell Aultman, Sr.	09-cv-63222
David Wayne Baggett	09-cv-63588
Lee Owen Bailey, Jr.	09-cv-63203
Tommy E. Barnes, Jr.	09-cv-63590
William M. Beard	09-cv-63208
Julius R. Beard	09-cv-63213
Earnest Beasley	09-cv-63591
Jimmie L. Bevis	09-cv-63193
Terry Lee Biglan	09-cv-63196
James Johnny Bishop	09-cv-63191
George Bounds	09-cv-63194
C.N. Boykin	09-cv-63594
Buren Dale Boyles	09-cv-63595
George Boyte	09-cv-63596
Clinton Brady	08-cv-87071-ER
Fred Brent	09-cv-63597
Donnie C. Brewer	09-cv-63598
Harvey E. Broom	08-cv-87069-ER
Isaac Brown	09-cv-63291
Randy K. Brown	09-cv-63292



**ATTACHED LIST OF CASES**

<b>Case Style Plaintiff</b>	<b>Eastern Dist of PA Docket#</b>
Kenneth M. Brown	09-cv-63207
James Lavern Brown	09-cv-63211
Billy G. Brown	09-cv-63693
Estelle Ruth Brown as Representative of The Estate of Claude Brown, Jr.	09-cv-63601
Thomas Brown, Jr.	09-cv-63567
William E. Brownell	09-cv-63011
Harmon J. Bryant	09-cv-63204
Herbert Buckley	09-cv-63195
James Donald Burkhalter	09-cv-63568
Daniel G. Burrow	09-cv-63570
Michael Bustin	09-cv-63571
Randy Byrd	09-cv-63188
Rex B. Byrd	09-cv-63190
Gary R. Byrd	09-cv-63572
Jon Campbell	09-cv-63146
Charles R. Campbell	09-cv-63573
Douglas E. Campbell	09-cv-63574
Paul Carney	09-cv-63144
Henry S. Carr	09-cv-63145
John Howard Carruth	09-cv-63575
Ollie Mae Carter as Representative of The Estate of Jessie L. Carter	09-cv-63694
Jerry W. Cavin	09-cv-63139
Alford B. Chapman	09-cv-63141
Robert W. Clark	09-cv-63579
Thomas A. Clark	09-cv-63580
Braxton Clark	09-cv-63577
Colin R. Clark	09-cv-63578
Herman Collins	09-cv-63143

## ATTACHED LIST OF CASES

Case Style Plaintiff	Eastern Dist of PA Docket#
George B. Collins	09-cv-63278
Roderick Wayne Collins	09-cv-63279
Danny Conn	09-cv-63131
Charles T. Cook	09-cv-63132
Thomas Cooley	09-cv-63280
Jerry L. & Abby Cothorn	09-cv-63281
Charles L. Coulter	09-cv-63133
Robert L. Cowart	09-cv-63137
Joseph Crawford	08-cv-87080-ER
Henrietta Cummings, Individually, as Representative of The Estate of John Cummings, and On Behalf of All Known and Unknown Wrongful Defendant Beneficiaries of John Cummings	09-cv-63283
James Edward Cupit	09-cv-63135
Concie Curtis, III	09-cv-63138
David Daley	09-cv-63173
Willie Lee Daniels	08-cv-87068-ER
Teresa Darty as Representative of The Estate of Charles Edward Darty, Sr.	09-cv-63690
Dan Mack Daughdrill	08-cv-87081-ER
Terry W. Davis	09-cv-63285
James Dearman	09-cv-63286
Kenneth L. Dearman	09-cv-63287
Rolland Dearman	08-cv-87070-ER
Garner Delk	09-cv-63288
George D. Dixon	08-cv-87077-ER
Newt Donald	09-cv-63264

**ATTACHED LIST OF CASES**

<b>Case Style Plaintiff</b>	<b>Eastern Dist of PA Docket#</b>
Willard Donald	09-cv-63265
Dale Donaldson	09-cv-63172
Kenneth A. DuBose	09-cv-63266
Darrius P. Dunigan	09-cv-63267
Jerry L. Dunigan	09-cv-63176
Vandiver Dunn	09-cv-63174
James Lowrey Dunn	09-cv-63268
Eugene F. Dvorak	09-cv-63175
Sherman Easterling	09-cv-63153
Douglas Echols	09-cv-63154
Charles Echols	09-cv-63157
Rickey Ellzey	09-cv-63270
Louie T Emler	08-cv-87084-ER
Robert W. Emler, Sr.	09-cv-63271
John Eubanks	09-cv-63272
Donnie E. Evans	09-cv-63155
Bennie Jake Evans	09-cv-63156
Shirley A. Ezell, Individually, as  Representative of The Estate of Elbert C.  Ezell, and On Behalf of All Known and  Unknown Wrongful Death Beneficiaries  of Elbert C. Ezell	09-cv-63017
Kenneth Fairchild	09-cv-63160
Bill Fairley	09-cv-63159
Lee Farmer	09-cv-63274
Johnny W. Faust	08-cv-85984-ER
Charles Fedrick, Sr.	09-cv-63275
Joe Feduccia	09-cv-63276

**ATTACHED LIST OF CASES**

<b>Case Style Plaintiff</b>	<b>Eastern Dist of PA Docket#</b>
Turner Floyd	09-cv-63161
Kendall Floyd	09-cv-63277
Leonard W. Foster	09-cv-63164
Miles D. Fountain	09-cv-63163
Michael V. Fountain Sr.	09-cv-63162
Sidney R. Foxworth	09-cv-63252
Larry M. Freeman	09-cv-63251
Charles Gardner	09-cv-63050
Robert Wayne Gardner	09-cv-63250
Richard G. Gatlin	09-cv-63249
Bobby L. Gibson	09-cv-63049
Authur Gilmore	09-cv-63048
Grover Audell Goldman	09-cv-63046
Stanley L. Goode	09-cv-63248
Kenneth Graham	09-cv-63045
David Grantham	09-cv-63044
Ted Justin Graves	09-cv-63043
Billy R. Green	09-cv-63247
Robert E. Green	09-cv-63245
Stephen C. Greene	09-cv-63244
Rudolph Gregory	09-cv-63042
Jerrell J. Gunter	09-cv-63041
Ansler Dale Hall	09-cv-63069
Charles Hamrick, Sr.	09-cv-63068
James Hargon	09-cv-63241
James E. Harris	09-cv-63067
Willie James Harris	09-cv-63239
Curtis Harris	09-cv-63240
Thad Harvey	09-cv-63064
Jerry W. Hayles	09-cv-63233

## ATTACHED LIST OF CASES

Case Style Plaintiff	Eastern Dist of PA Docket#
Isaac Haynes	09-cv-63063
Cecil Heathcock	09-cv-63232
Nolan Heathcock	09-cv-63688
John Heidel	09-cv-63061
George Henderson	09-cv-63231
James V. Herrington	09-cv-63229
Don F. Herrington	09-cv-63230
Tony Herrington	09-cv-63228
Thurman R. Hitson	09-cv-63263
W.C. Hodge	09-cv-63262
Richard Hodges	09-cv-63060
Charles Edward Holifield	09-cv-63059
James Hollingshead	09-cv-63261
Melvin Hollingsworth	09-cv-63259
Billy R. Hollingsworth	09-cv-63260
George H. Hollomon	09-cv-63258
William L. Holloway	09-cv-63058
Donald W. Holmes	09-cv-63057
Charles Hoover	09-cv-63257
Johnny Howard	09-cv-63055
Malcolm Paul Howse	09-cv-63056
Ompy L. Hudson, III	09-cv-63054
Douglas Huff	09-cv-63256
Ernest Wayne Hutto	09-cv-63052
Thomas Larry Hutto	09-cv-63254
Thomas E. Hutto	09-cv-63255
Audrey Nell Ingle Individually and as Representative of The Estate of W.C. Ingle, Deceased	09-cv-63695

## ATTACHED LIST OF CASES

Case Style Plaintiff	Eastern Dist of PA Docket#
Larry E. Jackson	09-cv-63224
Leroy Jackson	09-cv-63225
Jackson P. Jefcoat	09-cv-63226
Jimmy D. Jernigan	09-cv-63227
Paul Bedford Johnson	09-cv-63180
Judith Richardson, Individually, as Representative of The Estate of Troyce Johnson, Deceased, and On Behalf of All Known and Unknown Wrongful Death Beneficiaries of Troyce Johnson, Deceased1:08-cv-00842	09-cv-63005
Roland Johnson, Jr.	09-cv-63237
James B. Jones	09-cv-63235
Robert E. Jordan	09-cv-63182
Michael H. Jordan	09-cv-63602
John E. Keyes	09-cv-63603
Joe Keyes	09-cv-63202
Kenneth Kirkendall, Sr.	09-cv-63605
Dewayne Kirkley	09-cv-63606
Plummer Kittrell	09-cv-63179
Billy Ray Knight	09-cv-63607
Tommy J. Knotts, Sr.	09-cv-63200
Howard Lambert	09-cv-63689
Ralph W. Lambert	09-cv-63608
Henry E. Landrum	09-cv-63609
Willis F. Langley	09-cv-63165
Michael R. Lee	09-cv-63166

## ATTACHED LIST OF CASES

Case Style Plaintiff	Eastern Dist of PA Docket#
Edward J. Leggett	09-cv-63610
Kenneth D. Leggett	09-cv-63167
Colon R. Leonard, Jr.	09-cv-63168
William Lewis, Sr.	09-cv-63611
Vanessa Lindsey as Representative of The Estate of Curtis Lindsey1:08-cv-01254	09-cv-63691
Daniel Livingston	08-cv-85987-ER
Robert Junior Lofton	09-cv-63170
Archie A. Lord Sr.	08-cv-87030-ER
Winston Madison	09-cv-63090
James G. Magee	09-cv-63089
Bobby F. Maples	09-cv-63613
Keith Mason	09-cv-63088
Kenneth Mayhugh, Jr.	09-cv-63086
Lucious McCaffrey	09-cv-63615
Roger W. McCaffrey	09-cv-63616
Daniel McCarty	09-cv-63617
Alfred McDonald	09-cv-63618
Ben F. McDonald	09-cv-63084
Mark McFarland	09-cv-63082
John W. McFarland	09-cv-63083
Charles McGee	09-cv-63619
Ronnie McGill	09-cv-63081
William R. McGraw	09-cv-63620
Thomas A. McKenzie	09-cv-63080
Delton Alford McKinney	09-cv-63621
Clifford McLain	09-cv-63079
Charles Irvin McLain	09-cv-63622

## ATTACHED LIST OF CASES

Case Style Plaintiff	Eastern Dist of PA Docket#
Robert D. McLain	09-cv-63078
Jake W. McLain	09-cv-63109
James Ray McManus	09-cv-63623
Ralph T. McPhail	08-cv-87048-ER
Loranzie Miller	09-cv-63077
Michael D. Miller	09-cv-63076
Bobby R. Mills	09-cv-63075
Owen L. Mills	09-cv-63624
Bobby W. Mire, Sr.	09-cv-63074
Dennis G. Moak	09-cv-63073
William Leon Moore	09-cv-63626
Willie E. Moore	09-cv-63072
Otis L. Morgan	09-cv-63627
Robert E. Morris	09-cv-63110
Neena Mosley, Individually, as  Representative of The Estate of Lee  George Mosley, and On Behalf of All  Known and Unknown Wrongful  Defendant Beneficiaries of Lee George  Mosley	09-cv-63692
Vincent Motley	09-cv-63071
Eliel K Mounter, Sr.	08-cv-87073-ER
Hugh W. Mullins	09-cv-63070
Bobby Murray, Sr.	09-cv-63628
Jimmy L. Nations	09-cv-63183
James Nelson	09-cv-63184
Isaac Newell	09-cv-63185



## ATTACHED LIST OF CASES

Case Style Plaintiff	Eastern Dist of PA Docket#
Joseph Newsom	08-cv-87031-ER
Lonnie Newsom	08-cv-87076-ER
Billy D. Nichols	09-cv-63630
Cecil J. Nickey	09-cv-63186
Shelby Nugent	09-cv-63631
Gary L. Odom	09-cv-63187
Rickey L. Oliver	09-cv-63632
Gene W. Pacey	09-cv-63633
Morgan T. Palmer	09-cv-63148
Joe L. Palmer	09-cv-63149
Jeffrey B. Parker	09-cv-63634
Phillip Lynn Parnell	09-cv-63635
William H. Peak	09-cv-63100
Clifton A. Perkins	09-cv-63636
Frazier M. Phillips	09-cv-63099
Ted L. Piner	08-cv-87078-ER
Alfred J. Pittman	09-cv-63637
Patricia Gayle Pitts, Individually, as  Representative of The Estate of Homer  Earl Pitts, and On Behalf of All Known  and Unknown Wrongful Death  Beneficiaries of Homer Earl Pitts	09-cv-63009
Michael C. Pitts	09-cv-63638
Vandol Wayne "V.W. " Pitts	09-cv-63640
Luther Pitts	09-cv-63098
Sam Pitts	09-cv-63639
Ernest Plumer	09-cv-63097

**ATTACHED LIST OF CASES**

<b>Case Style Plaintiff</b>	<b>Eastern Dist of PA Docket#</b>
Brandon Kaye Polk	08-cv-85986-ER
Dale Polk	08-cv-85985-ER
Carl O. Porter	09-cv-63641
William Hinton Powell	09-cv-63095
Herbert K. Powell	09-cv-63096
Albert Preston	09-cv-63093
George R. Price	09-cv-63092
Gary L. Price	09-cv-63642
Charlie W. Prine	09-cv-63696
Billy Quick	09-cv-63201
Jackie D. Ramage	09-cv-63107
Ray C. Rawls	08-cv-87075-ER
William Steve Reed	09-cv-63643
James D. Reid	09-cv-63106
Harvey Richard Revette, Jr.	09-cv-63644
Charles L. Rigney, Jr.	09-cv-63645
Pearl Lavern Robbins	09-cv-63105
Donald Robbins, Sr.	09-cv-63646
Jimmy Roberts	09-cv-63647
Johnny W. Roberts	09-cv-63648
Julius E. Rodgers	09-cv-63649
Tommy Rollins	09-cv-63103
Larry Jessie Rollins	09-cv-63104
David Clinton Rollins	09-cv-63650
Carl A. Runnels	09-cv-63102
Mitchell R. Rushing	09-cv-63101
Larry Russell	09-cv-63150
William H. Russell	09-cv-63651
David P. Russell	09-cv-63152
Billy Joe Rutland	09-cv-63652

## ATTACHED LIST OF CASES

Case Style Plaintiff	Eastern Dist of PA Docket#
Charles David Sanders	09-cv-63039
Aaron Sasser, Jr.	09-cv-63038
James M. Saul	09-cv-63037
Tom M. Saul, Jr.	09-cv-63036
Arthur L. Scarbrough	09-cv-63653
Jesse James Short	09-cv-63035
Thomas E. Simmons	09-cv-63034
Gary B. Sims	09-cv-63654
John W. Sims, Sr.	09-cv-63655
Charles C. Smith	09-cv-63031
Charles Smith	09-cv-63032
Ervin Smith	09-cv-63656
Mark Smith	09-cv-63657
Willis T. Smith	09-cv-63659
Kelcie Dale Smith	09-cv-63029
Charles R. Smith	09-cv-63030
Cleophus Smith	08-cv-87032-ER
Elmer H. Smith & Lynda Smith	09-cv-63697
Vince Edward Smith	09-cv-63658
Joe Smith, Jr.	09-cv-63028
Darrell D. Smith, Sr.	09-cv-63027
James C. Speights	09-cv-63660
George Ross Spence	09-cv-63026
Bobby Spiars	09-cv-63661
Joseph Spiars	09-cv-63025
Joseph Spradley	09-cv-63024
Charlie A. Stampley	09-cv-63663
David Foster Stanley	09-cv-63664

**ATTACHED LIST OF CASES**

<b>Case Style Plaintiff</b>	<b>Eastern Dist of PA Docket#</b>
Joe Stephens	09-cv-63023
Timothy L. Stewart	09-cv-63022
Walter E. Stinson	09-cv-63021
William J. Street	09-cv-63665
Melton L. Strickland	09-cv-63666
Corbit Sullivan	09-cv-63020
Dodd Mitchell Sykes	09-cv-63019
Louis Tageant	09-cv-63667
Edward Tanner, Jr.	09-cv-63668
William A. Tatum	09-cv-63117
Leroy Terrell	09-cv-63114
Joe R. Thompson	09-cv-63113
Harold D. Thornton	09-cv-63669
Lester Leroy Toney	09-cv-63112
Larry W. Townsend	09-cv-63670
William Clyde Tucker	09-cv-63671
James M. Turner	09-cv-63111
Dewey Wayne Upshaw	09-cv-63672
Jerry Upshaw	09-cv-63673
Joel P. Upton	09-cv-63199
Kenneth Usry	09-cv-63198
Robert Earl Wade	09-cv-63674
Billy J. Wagley	09-cv-63675
James C. Wallace	09-cv-63129
Terry Wallace	08-cv-87074-ER
James R. Walley	09-cv-63126
Henry Ward, Jr.	09-cv-63127
Jerry L. Warnock	09-cv-63125
Ted Watkins	09-cv-63124
James E. Watts	09-cv-63123

**ATTACHED LIST OF CASES**

<b>Case Style Plaintiff</b>	<b>Eastern Dist of PA Docket#</b>
Johnny R. Weeks	09-cv-63676
Freddie Weir, Jr.	09-cv-63677
Bobby G. Wells, Sr.	09-cv-63678
Dalton L. West	09-cv-63680
Thomas E. West	09-cv-63681
Larry James White	09-cv-63683
J.B. White, Jr.	09-cv-63120
James E. White, Jr.	09-cv-63684
Mathyngale "Buck" Williams	09-cv-63118
David Griffin Williams	09-cv-63119
Peter Wise	09-cv-63698
John D. Yelverton, Jr.	09-cv-63197